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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,210	03/26/2007	Jason Quayle	DUMMEE5.008.APC	7726
20995	7590	04/16/2009	EXAMINER	
KNOBBE MARIENTS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				JONES, MARCUS D
ART UNIT		PAPER NUMBER		
		3714		
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/583,210	QUAYLE ET AL.
	<b>Examiner</b> MARCUS D. JONES	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 08 December 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20,22,23 and 25-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20, 22, 23, 25-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

The amendment filed 8 December 2008 in response to the previous Non-Final Office Action (7 August 2008) is acknowledged and has been entered.

Claims 1-20, 22, 23, and 25-28 are currently pending.

Claims 21, 24 and 29-43 are cancelled.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-18, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (US 6,869,357).**

In reference to claim 1, Adams discloses: A gaming machine for the playing of a game of chance wherein an outcome of said game of chance is determined by one of a number of predefined possible payline patterns of indicia (col 2, ln 33-35, *predetermined pattern on adjacent reels, alone or in combination*); said payline randomly selected by a game control module (col 4, ln 19-20, *at least one wager is assigned to a pay line randomly*); said payline patterns formed of a selection of elements of a matrix of columns and rows and wherein the number of said elements forming any one payline pattern is greater than the number of columns of said matrix; and wherein during a

given game of play on said gaming machine a pattern of said payline randomly selected is indicated over said matrix of columns and rows (see Figure 4, col 6, ln 56-67, *Figure 4 displays a matrix of indicia positions, lead line 10 shows a payline that covers 6 indicia positions in the matrix*).

In reference to claims 2, 3, 23 and 25, Adams discloses: wherein said columns and rows of said matrix are in the form of simulated reels divided peripherally into a plurality of elements; each said element displaying an indicia (see Figures 1-5).

In reference to claim 5, Adams discloses wherein said simulated reels are caused to display a spinning motion during a game; said reels coming to rest in a randomly selected position under control of said game control module so as to display three elements of each reel (col 6, ln 29-33, *video display of spinning reels and a random number generator to select virtual position, see Figure 2 for three element reel*).

In reference to claims 6 and 7, Adams discloses: wherein the number of said elements defining said predefined one of said plurality of playline patterns lies in the range of one greater than said number of columns and the total of said elements in said matrix (see Figure 4, col 6, ln 56-67, *Figure 4 displays a matrix of indicia positions, lead line 10 shows a payline that covers 6 indicia positions in the matrix, which in this example the number of columns is four and the total number of elements is 12*).

In reference to claim 8, Adams discloses: wherein said plurality of payline patterns is indicated to a player of said gaming machine by representation of a said paylines patterns on a front panel of said gaming machine (col 5, ln 7-8, *displayed on display device*).

In reference to claims 9 and 10, Adams discloses: wherein said game control module randomly selects a payline pattern from said plurality of payline patterns; said payline pattern maintained as a winning pattern until matched by a game played on said gaming machine (col 4, ln 20-29)

In reference to claims 11 and 12, Adams discloses: wherein said selected payline pattern is indicated to a player of a game when said reels have come to rest by a highlighting said elements corresponding to said selected payline pattern (col 10, ln 49-52).

In reference to claim 13, Adams discloses that each winning combination in sequence to "build" a winning pay line is flagged (col 10, ln 37-40).

In reference to claim 14, Adams discloses wherein a player of a game may pre-select a payline pattern (col 5, ln 48-51, *player may select one or more paylines*) and wherein, if said payline pattern matches a pattern of indicia of said reels when come to rest, said player is awarded a prize (col 6, ln 1-4, *player awarded a winning payout*).

In reference to claims 15, 16, 17 and 18, Adams discloses paylines one through eight defined by three indicia positions in varying vertical, horizontal and diagonal configurations (see Figure 2 and col 5, ln 65-67).

In reference to claim 26, Adams discloses that the selected sides of adjacent elements are maintained in a parallel, spaced apart relationship (see Figure 1).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,869,357).**

In reference to claim 4, Adams discloses that 5 by 3 matrices are known in the art (col 1, ln 38-40 and 52).

6. **Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,869,357), and further in view of Berman (US PGPub 2008/0045323).**

In reference to claims 19 and 20, Adams discloses a bonus game (col 4, ln 27-29) but does not specifically disclose a secondary display. Berman teaches that a bonus game or event is performed on an additional reel or machine (pg 3, par 33).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Adams in view of Berman to add a separate reel to perform a bonus game.

**7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,869,357), and further in view of Payne et al. (US 6,241,607).**

In reference to claim 22, Adams discloses the invention substantially as claimed except that the elements are staggered vertically. Payne teaches staggering of the elements in the columns (see Figure 6).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Adams in view of Payne to add more possible payline combinations by staggering the elements.

**8. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,869,357), and further in view of Tiberio (5,611,535).**

In reference to claims 27 and 28, Adams discloses that the gaming devices maybe connected to a local area or wide area network through the Internet (col 8, ln 38-43) but does not specifically disclose that the machines are linked to a jackpot system. Tiberio teaches a jackpot award for a selected outcome (col 5, ln 44-45).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Adams in view of Tiberio to add the excitement of a jackpot win to the player's gaming experience.

***Response to Arguments***

9. Applicant's amendments to address the object claim 23 is acknowledged. The objection is withdrawn.
10. Applicant's amendment to address the 112, second paragraph issues is acknowledged. The 112 rejection is withdrawn.
11. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
Supervisory Patent Examiner, Art  
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